

Applicant respectfully traverses. While Group I of claims is drawn to an apparatus and Group II is drawn to a method, the method as claimed cannot be practiced by another materially different apparatus or by hand.

Group I of the claims is drawn to an apparatus comprising a circumscribed tray having a plurality of apertures disposed in the tray for even dispersion of setting material while laying tiles. The tray is supported by legs of adjustable length so that accommodations can be made in the length of the legs, whereby the top surface of the tray will be level, regardless of the supporting surface.

The conventional process of dispersing setting material has significant drawbacks. During the process, the worker must estimate the amount of setting material required based upon observation and experience. Consequently, it is likely that the worker may apply too little or too much setting material, which can only be discovered after placing a tile in position. As a result, the tile must be removed and the amount of setting material must be corrected. The removed tile is subject to damage during handling.

The present invention proposes to solve the problem through a novel and unique approach. By providing an apparatus that automatically determines the proper amount of setting material, the process is subject to less error and enables faster setting of tiles. Furthermore, the apertures are sized to provide controlled dispersion of setting material. As a result, a worker can rapidly apply setting material with less error.

Since the apparatus is designed to regulate the dispersion of setting material, which is a thick mud-like substance, it cannot be used for liquids or cleaning solutions. The apertures are too large for filtering. Additionally, there is no other apparatus that automatically determines the

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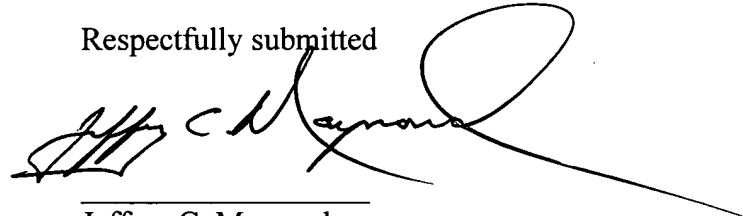
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required volume of setting material. Accordingly, neither the apparatus nor the process can be practiced without each other. Indeed, the method of claim 7 is specifically limited to using the apparatus as claimed in the Group I claims. The process and the apparatus, therefore, are not distinct.

For all of these reasons, Applicant respectfully requests that the examiner withdraw the restriction requirement. The Examiner should call the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted



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CERTIFICATE OF MAILING

I hereby certify that this document for **Application Serial No. 09/786,000** is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated below and is addressed to:

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